

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JAMES T. SHORT,)
)
Plaintiff,)
)
v.) No.: 3:08-CV-465
) (VARLAN/GUYTON)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

For the reasons stated in the memorandum opinion filed contemporaneously with this order, plaintiff's objections to the report and recommendation of the magistrate judge [Doc. 16] are hereby **OVERRULED**. Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the report and recommendation [Doc. 15] is **ACCEPTED IN WHOLE**. Additionally, and for the reasons stated in the report and recommendation, which the Court adopts and incorporates into its ruling, it is **ORDERED** that plaintiff's motion for summary judgment [Doc. 8] be **DENIED**; that the Commissioner's motion for summary judgment [Doc. 13] be **GRANTED**; and that the Commissioner's decision denying plaintiff's application for benefits be **AFFIRMED**. This case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE